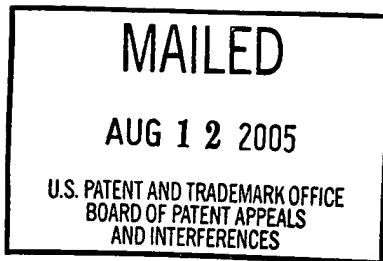


The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte CHARLES D. WOLFSON

Appeal No. 2005-1783
Application No. 09/731,088

ON BRIEF

Before DIXON, BLANKENSHIP, and NAPPI, Administrative Patent Judges.

BLANKENSHIP, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 1-18, which are all the claims in the application.

We affirm.

BACKGROUND

The invention relates to asynchronous messaging and queuing, in particular integrating messaging functionality into database operations. Representative claim 1 is reproduced below.

1. A method for integrating messaging functionality into database operations, the method comprising:

(a) providing one or more chosen functions from a messaging system in a database system; and

(b) utilizing the one or more chosen functions from the database system within structured query language statements to access the messaging system from the database system.

The examiner relies on the following reference:

Chandra et al. (Chandra)	6,058,389	May 2, 2000 (filed Oct. 31, 1997)
--------------------------	-----------	--------------------------------------

Claims 1-18 stand rejected under 35 U.S.C. § 102 as being anticipated by Chandra.

We refer to the Final Rejection (mailed Feb. 17, 2004) and the Examiner's Answer (mailed Oct. 29, 2004) for a statement of the examiner's position and to the Brief (filed Aug. 17, 2004) and the Reply Brief (filed Jan. 3, 2005) for appellant's position with respect to the claims which stand rejected.

OPINION

Appellant states that the claims form one group (Brief at 5). Consistent with the rules in effect at the time of filing of the Brief, we select claim 1 as the representative claim. See 37 CFR § 1.192(c)(7) (2004). See also In re McDaniel, 293 F.3d 1379, 1383, 63 USPQ2d 1462, 1465 (Fed. Cir. 2002) (“If the brief fails to meet either requirement [of 37 CFR § 1.192(c)(7)], the Board is free to select a single claim from each group of claims subject to a common ground of rejection as representative of all claims in that group and to decide the appeal of that rejection based solely on the selected representative claim.”).

The examiner finds claim 1 to be anticipated by Chandra (Answer at 3), contending that the described ENQUEUE and DEQUEUE operations are “chosen functions from a messaging system” as claimed. Appellant’s position argued in the briefs does not persuade us that the finding is in error.

We consider appellant’s arguments, at least to the extent they are commensurate with the scope of claim 1, to be sufficiently addressed in the Answer. The basic disagreement is founded on appellant’s premise that the claim requires a messaging system that is separate from the database system, contrary to the examiner’s observation (Answer at 8) that a separate messaging system is not a requirement.

Claims are to be given their broadest reasonable interpretation during prosecution, and the scope of a claim cannot be narrowed by reading disclosed limitations into the claim. See In re Morris, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997); In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989); In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550 (CCPA 1969). Moreover, for a prior art reference to anticipate in terms of 35 U.S.C. § 102, every element of the claimed invention must be identically shown in a single reference. However, this is not an “ipsissimis verbis” test. In re Bond, 910 F.2d 831, 832, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990).

Claim 1 purports a method for integrating messaging functionality into database operations. One or more chosen functions are provided “from a messaging system in a database system.” The functions are utilized from the database system within SQL statements to access the messaging system from the database system. We find nothing in the claim that requires a messaging system separate from a database system or, conversely, anything that may preclude the messaging system from being contained within the database system. The language is consistent with using the database system to access a system within itself; i.e., the messaging system.

We therefore sustain the rejection of claims 1-18 under 35 U.S.C. § 102 as being anticipated by Chandra.

Appeal No. 2005-1783
Application No. 09/731,088

CONCLUSION

The rejection of claims 1-18 under 35 U.S.C. § 102 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a). See 37 CFR § 1.136(a)(1)(iv).

AFFIRMED

Joseph L. Ruff

JOSEPH L. DIXON
Administrative Patent Judge


HOWARD B. BLANKENSHIP

HOWARD B. BLANKENSHIP
Administrative Patent Judge

BOARD OF PATENT
APPEALS
AND
INTERFERENCES


ROBERT E. NAPPI

~~ROBERT E. NAPPI~~
Administrative Patent Judge

Appeal No. 2005-1783
Application No. 09/731,088

Joseph A. Sawyer, Jr.
Sawyer Law Group LLP
P.O. Box 51418
Palo Alto, CA 94303